IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**WRIT PETITION NO. 1188 OF 2007**

M/s. Shilpa Shares and Securities & Ors. Petitioners

(Judgment Debtors)

Versus

The National Co-op. Bank Ltd. & Ors. Respondents

Mr. Z.Andhyarujina i/b. Thakurdas & Madgavkar for the petritioners.

Mr. D.P.Nalawade for Respondents Nos.1 & 2.

Mr. Pradip Jadhav, AGP, for Respondents Nos.3 & 4.

**CORAM: D.K.DESHMUKH &**

**J.H.BHATIA,JJ.**

**DATE : 21st August, 2007.**

**P.C.**

1. The learned Counsel appearing for the respondents Nos. 1 and 2 states that now that the Special Leave Petition which was pending in the Supreme Court has been disposed of by the Supreme Court, the conditions incorporated in the draft agreement which were sent along with the letter dated 29th May, 2006 at Exhibit "D-1" in relation to the auction of the property "Parvati Niwas" in favour of Mrs. Aruna K. Kanodia do not survive and will not be insisted upon. He further states that insofar as other conditions are concerned, in case there is a legitimate grievance of the

petitioners, the petitioners can address a representation to the respondents and that representation will be decided in accordance with law. The statements are accepted.

2. The learned Counsel appearing for the petitioners states that in case the petitioners have a representation to make to the respondents Nos. 1 and 2, it will be made within a period of two weeks from today.

3. The learned Counsel for the respondents Nos. 1 and 2 states that in case such a representation is received, it will be decided within a period of two weeks from the date of receipt thereof and decision shall be communicated to the petitioners.

4. The learned Counsel for the respondents Nos. 3 and 4 states that in case the petitioners make any legitimate grievance in relation to the scheme, it shall be attended to.

5. In view of these statements, the learned Counsel for the petitioners seeks leave to withdraw the Petition. Petition is allowed to be withdrawn.

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**(D.K.DESHMUKH,J.)**

**(J.H.BHATIA,J.)**